

REMARKS

Claims 1-6, 8-11 and 13-23 were pending in this application when the present Office Action was mailed (May 31, 2006). In this response, claims 1, 11, and 19 have been amended, and claims 5, 6, and 8 have been canceled. Accordingly, claims 1-4, 9-11, and 13-23 are currently pending.

In the May 31, 2006 Office Action, all of the pending claims were rejected. More specifically, the status of the application in light of the Office Action is as follows:

(A) Claims 11 and 13-18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement;

(B) Claims 5, 6, 8, and 19-23 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite;

(C) Claims 1-6 and 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the background information ("Background Information") of the specification in view of the translation of Japanese Patent No. JP63111177A to Mochizuki et al. ("Mochizuki");

(D) Claims 11 and 13-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Background Information in view of Mochizuki, and further in view of the abstract of Japanese Patent No. 63020490 to Nakada ("Nakada"); and

(E) Claims 19-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information in view of Mochizuki and Nakada, and further in view of U.S. Patent No. 6,689,220 to Nguyen ("Nguyen").

The undersigned attorney wishes to thank the Examiner for engaging in a telephone interview on September 15, 2006. During the telephone interview, the undersigned attorney and the Examiner discussed the claimed invention and the teachings of the cited reference Mochizuki. The Examiner provisionally agreed that the original claims with the foregoing amendments distinguish over the teachings of Mochizuki. The following remarks reflect and

expand upon the agreements reached during the September 15, 2006 telephone interview. As such, applicant respectfully requests that this response also constitutes applicant's Interview Summary.

A. Response to the Section 112, First Paragraph Rejection

Claims 11 and 13-18 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Claim 11 has been amended as suggested by the Examiner, and claims 13-18 depend from claim 11. Accordingly, the Section 112, first paragraph, rejection of claims 11 and 13-18 should be withdrawn.

B. Response to the Section 112, Second Paragraph Rejection

Claims 5, 6, 8, and 19-23 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 5, 6 and 8 have been cancelled in this response, and thus the Section 112 rejection of these claims is now moot. Claim 19 has been amended as suggested by the Examiner, and claims 20-23 depend from claim 19. Accordingly, the Section 112, second paragraph, rejection of claims 19-23 should be withdrawn.

C. Response to the Section 103(a) Rejection – Background Information and Mochizuki

Claims 1-6 and 8-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information in view of Mochizuki. Claims 5, 6 and 8 have been cancelled in this response, and thus the Section 103 rejection of these claims is now moot. The following remarks address the Section 103(a) rejection of claims 1-4, 9 and 10.

Even though applicant respectfully disagrees with the basis of the rejection, independent claim 1 has been amended to further clarify the claimed subject matter. For example, claim 1 has been amended to include "limiting an amount of time to cool and heat the vapor reaction chamber ... by performing step (d) at a maintenance temperature approximately equal to the deposition temperature." Pursuant to the agreement reached during the September 15 telephone interview, amended claim 1 distinguishes over the teachings of the Background Information and Mochizuki because neither reference provides any motivation or suggestion for such an arrangement. Instead, Mochizuki teaches repositioning the magnetic coil to focus the electron

cyclotron resonance to produce an oxidized plasma near the microwave window (translation of Mochizuki at page 9, lines 8-13). Thus, Mochizuki is not concerned with limiting the amount of time to cool and heat the reaction chamber because Mochizuki relies on the oxidized plasma, not the reaction chamber temperature, to cause the aluminum film on the microwave window to be converted into aluminum oxide. Claims 2-4, 9 and 10 also distinguish over the Background Information and Mochizuki because these claims depend from claim 1 and for the additional features of these claims. Accordingly the Section 103(a) rejection of claims 1-4, 9 and 10 should be withdrawn.

D. Response to the Section 103(a) Rejection – Background Information, Mochizuki, and Nakada

Claims 11 and 13-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information in view of Mochizuki and further in view of Nakada. Even though applicant respectfully disagrees with the basis of the rejection, independent claim 11 has been amended to contain subject matter generally analogous to that of claim 1. As discussed above, the combination of the Background Information and Mochizuki fails to teach or suggest all of the features of amended claim 1, and Nakada fails to fill this void. As a result, claim 11 is patentable over the combination of the teachings of the Background Information, Mochizuki, and Nakada. Claims 13-18 are also patentable over the combination of the teachings of the Background Information, Mochizuki and Nakada because these claims depend from claim 11 and for the additional features of these claims. Accordingly, the Section 103(a) rejection of claims 11 and 13-18 should be withdrawn.

E. Response to the Section 103(a) Rejection – Background Information, Mochizuki, Nakada and Nguyen

Claims 19-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Background Information in view of Mochizuki and Nakada, and further in view of Nguyen. Even though applicant respectfully disagrees with the basis of the rejection, independent claim 19 has been amended to contain subject matter generally analogous to that of claim 1. As discussed above, the combination of the teachings of the Background Information, Mochizuki and Nakada fails to teach or suggest all of the features of amended claim 1, and Nguyen fails to fill this void. As a result, claim 19 is patentable over the combination of the teachings of the Background



Information, Mochizuki, Nakada and Nguyen. Claims 20-23 are also patentable over the combination of the teachings of the Background Information, Mochizuki, Nakada and Nguyen because these claims depend from claim 19 and for the additional features of these claims. Accordingly, the Section 103(a) rejection of claims 19-23 should be withdrawn.

F. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 102 and are patentable over the applied references. The applicant requests reconsideration of the application and respectfully submits that all of the claims are in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned representative at (206) 359-6038.

Respectfully submitted,

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